

001-074-00

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
AT JACKSON

JUN 14 2005

AFTER HOURS DEPOSITORY
Robert R. Di Trollo, Clerk
U. S. DIST COURT
W. D. OF TN, JACKSON

DONALD L. RUIS, JR. and REGINA D. RUIS

Plaintiff(s)

v

NO. 1:04cv1235 T/An

DEPUTY SHERIFF DANNY BROWNING AND
SHERIFF MIKE WILSON, Individually And in
Their official capacities and WEAKLEY
COUNTY

Defendant(s)

MOTION GRANTEDDATE: 15 June 2005

James D. Todd
James D. Todd
U.S. District Judge

MOTION TO CONTINUE

Defendants, Weakley County, Sheriff Mike Wilson, and Deputy Sheriff Danny Browning, by and through counsel of record, respectfully move the Court for an Order continuing this case from its current trial date. In support hereof, counsel for defendant would respectfully show the court the following:

1. This cause is set for trial on Wednesday October 5, 2002.
2. Contemporaneously to the filing of this Motion, Defendants' counsel is filing a Motion to Compel discovery responses. As set forth in that Motion, Defendants sent Interrogatories and Requests for Production of Documents to Plaintiffs on April 1, 2005. To date, no response has been received.
3. The deadline for completing discovery is June 10, 2005.
4. Counsel for Plaintiffs and counsel for Defendants have spoken over the past three weeks concerning the deadlines in this case. Counsel for Plaintiffs has relayed that his father has recently passed away, and this event has hindered him from complying with the previously set deposition deadline in this case.
5. Counsel for Plaintiffs and counsel for Defendants spoke on June 8, 2005, wherein counsel for

Plaintiffs informed counsel for Defendants that he would be filing a motion for a voluntary dismissal.

6. Given that discovery has not proceeded, Defendants respectfully request a continuance of the current trial setting.

Therefore, Defendants respectfully request the Court to enter an order continuing this case from its current trial date and to reset this case for a time to be determined by the court.

Respectfully submitted,

PENTECOST, GLENN & RUDD, PLLC

By:



James I. Pentecost (#011640)

Brandon O. Gibson (#21485)

Attorneys for Defendants

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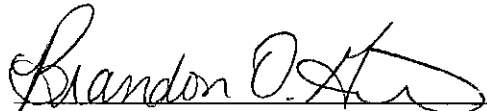
CERTIFICATE OF SERVICE

This is to certify that I have served a copy of this pleading or paper personally or by mail upon each attorney or firm of attorneys appearing of record for each adverse party or each *pro se* party on or before the filing date thereof.

DATED: This the 14th day of June, 2005.

PENTECOST, GLENN & RUDD, PLLC

By:



James I. Pentecost (#011640)

Brandon O. Gibson (#21485)

Attorneys for Defendants

COPIES SERVED UPON:

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Notice of Distribution

This notice confirms a copy of the document docketed as number 12 in case 1:04-CV-01235 was distributed by fax, mail, or direct printing on June 16, 2005 to the parties listed.

Pam Belew
CIRCUIT COURT CLERK
Weakley County Courthouse
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Dresden, TN 38225

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Honorable James Todd
US DISTRICT COURT